
**Technology, Energy &
Communications Committee**

HB 1252

Brief Description: Establishing restrictions on prerecorded telephone calls.

Sponsors: Representatives Hunter, Buri, McIntire, Springer, Rodne, Kagi, Fromhold, Kirby, Hinkle, Jarrett, McCoy, B. Sullivan, Appleton, Takko, Newhouse, Miloscia, Blake, Kenney, Dickerson, Haigh, P. Sullivan, Darneille, Moeller, Schual-Berke, Eddy, Santos and Rolfes.

Brief Summary of Bill

- Prohibits using an automatic dialing and announcing device to send certain types of prerecorded voice messages, unless the recipient has given consent.

Hearing Date: 1/31/07

Staff: Kara Durbin (786-7133).

Background:

An automatic dialing and announcing device (ADAD) is a computerized machine that can automatically dial telephone numbers and play a prerecorded message.

State Law

Unsolicited calls placed through an ADAD in order to encourage a person to buy property, goods, or services are prohibited. The penalty is \$500. A violation of this law is also a violation of the Consumer Protection Act, which provides for fines, treble damages, court costs, and attorneys' fees.

Washington Utilities and Transportation Commission:

The Washington Utilities and Transportation Commission (WUTC) regulates the use of ADADs for purposes other than commercial solicitation. The WUTC places the following restrictions on such calls:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- the recorded message must state who is calling, the telephone number of the caller, and the nature of the call;
- the call must be placed between 8 a.m. and 9 p.m.; and
- the call is disconnected within two seconds of when the recipient hangs up the phone.

Emergency messages delivered by government agencies are exempted. The WUTC can impose administrative penalties upon anyone in violation of this regulation, including a fine of up to \$1,000.

Federal Law:

Federal law prohibits placing a call to a residential telephone number using a prerecorded voice message without the recipient's prior express consent. A recipient's prior express consent is presumed if there is an established business relationship between the caller and the recipient. Certain types of calls are exempt: (1) emergency calls; (2) non-commercial calls; and (3) calls made by, or on behalf of, tax-exempt or non-profit organizations. For those prerecorded messages that are allowed, federal law places restrictions on the time of day and the manner in which the message is delivered.

Summary of Bill:

A caller may not use an automatic dialing and announcing device to place a call unless:

- the person receiving the call has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or
- the message is immediately preceded by a live operator who discloses at the beginning of the call who is paying for the message and obtains consent from the subscriber before the message is delivered.

Certain prerecorded messages are allowed:

- messages from school districts to students, parents, or employees;
- messages to subscribers with whom the caller has a current business or personal relationship;
or
- messages advising employees of work schedules.

A violation of this bill is a violation of the Consumer Protection Act. An aggrieved person can seek damages of \$500 per violation.

Appropriation: None.

Fiscal Note: Requested on January 19, 2007.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.